

Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 barrels, 2 barrels, 2 barrels, and 10 barrels, respectively, of vinegar, in part at Dover, in part at Newton, and in part at Netcong, N. J., alleging that the article had been shipped on or about August 17 and 19, 1920, by the Kistler Vinegar Works, Stroudsburg, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Davies-Strauss-Stauffer Co., Pure Fermented Apple Cider Vinegar Reduced to 40 grains acid strength Made by the Kistler Vinegar Works, Stroudsburg and Bethlehem, Pa. * * *."

Adulteration of the article was alleged in the libels for the reason that waste vinegar had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statement on the label, "Pure Fermented Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser, since it was not pure fermented apple cider vinegar. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On May 24, 1921, the Kistler Vinegar Works, Stroudsburg, Pa., claimant, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$2,000, conditioned in part that the product be not shipped or sold unless rebranded and properly marked, and that the department be notified of the proper relabeling thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9607. Misbranding of Dr. Carey's Marsh Root. U. S. * * * v. 9 Dozen Bottles (Small Size) and 4½ Dozen Bottles (Large Size) * * * of Dr. Carey's Marsh Root. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 13759. I. S. No. 2458-t. S. No. C-2544.)

On October 6, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 dozen bottles (small size) and 4½ dozen bottles (large size) of Dr. Carey's Marsh Root, remaining unsold at Cincinnati, Ohio, shipped on or about November 12, 1919, and July 24, 1920, by the Carey Medical Corp., Rochester, N. Y., alleging that the article had been transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of plant extractives, including a trace of alkaloid, salicylate, glycerin, sugar, aromatic oils, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the cartons inclosing the bottles containing the article and in circulars accompanying the same, regarding the curative and therapeutic effect of the article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it, and in that said article was insufficient of itself for the successful treatment and cure of the ailments and diseases for which prescribed and recommended in said statements: (Carton) " * * * The Marsh Root Prescription is indicated in the treatment of Bright's Disease (before casts are formed) Diabetes Kidney, Bladder and Urinary

Troubles Disordered Liver Stomach and Blood Diseases * * * this wonderful remedy * * * Is advocated for the treatment of Chronic and acute Kidney, Bladder, Stomach, Liver and Urinary Diseases. * * * restores impoverished blood to the rich, red condition of perfect health. Marsh Root removes the cause * * *"; (circular) " * * * This wonderful remedy is a prescription used by Dr. Carey, with marvelous success, for many years in the treatment of Kidney and Bladder Troubles, Bright's Disease, and difficulties of the liver. * * * for the benefit of all sufferers from those dread diseases. * * * This splendid remedy has proven itself of great value in the treatment of Bright's Disease, Diabetes, all Urinary troubles, Retention, Scanty, Stoppage, Too Frequent and Brickdust. Catarrh of the Bladder, Gravel and Gall Stones are positively relieved by this treatment. In cases of Spermatorrhoea, Debility and Seminal Weakness, Dr. Carey's Marsh Root will be found invaluable. * * * makes the Blood rich, red and healthy. * * * all that is claimed for Dr. Carey's marvelous medicine, Marsh Root, is beyond any question of doubt. There are thousands alive today who would be in their graves, caused by the awful effect of Kidney and Bladder Trouble, if they had not used this wonderful medicine, Marsh Root. * * * Kidney diseases * * * Bladder Troubles * * * paralysis of the bladder Diabetes * * * Uric Acid * * * eczema, or tetter Gravel * * * brickdust, sand or gravel * * * Bright's Disease * * * diseased condition of the ovaries * * * painful and unnatural menstruation. Marsh Root makes the kidneys strong and active and removes the uric acid which causes the pain, builds up the blood, increases its circulation, and regulates the monthly flow. Gravel or Stone in the Bladder * * * Marsh Root cures Gravel by dissolving the stones and deposits so that they are carried off with the urine. By making the kidneys and bladder strong and healthy they do not form again. Diabetes Sugar in the Urine * * * relief can be obtained much sooner if you procure Marsh Root to build up the digestive organs. * * * cured thousands of people * * * Backache, Weak Back, * * * Gout, Diabetes, Bright's Disease, Gravel, Irritation of the Bladder, Scalding of the Urine, Swelling of the Ankles, Dropsy, or some other form of Kidney or Urinary Trouble. Marsh Root has a direct and specific action in all form of Kidney, Bladder and Urinary Trouble, giving the kidneys strength to cast off all poisonous matter from the blood, thus stopping the cause of all diseases of this nature. * * * best known remedy for Bed Wetting in children and old people."

On November 12, 1920, the Carey Medical Corp., Rochester, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9608. Adulteration and misbranding of chocolate coating. U. S. * * * v. 30 Cases of Chocolate Coating * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14970. I. S. No. 10636-t. S. No. W-955.)

On May 31, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of chocolate coating, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped